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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.    |
|---|-------------|----------------------|---------------------|---------------------|
| 10/571,507  | 03/10/2006  | Daisuke Itoh         | WAKAB97.001APC      | 4217                |
| 20995   | 7590        | 01/25/2010           | EXAMINER            |                     |
| KNOBBE MARTENS OLSON & BEAR LLP<br>2040 MAIN STREET<br>FOURTEENTH FLOOR<br>IRVINE, CA 92614 |             |                      |                     | METZMAIER, DANIEL S |
| ART UNIT  |             | PAPER NUMBER         |                     |                     |
|   |             | 1796                 |                     |                     |
| NOTIFICATION DATE   |             |                      | DELIVERY MODE       |                     |
| 01/25/2010  |             |                      | ELECTRONIC          |                     |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Mailed : JAN 25 2010

In re Application of  
Ito et al.

Serial No. 10/571,507  
Filed: March 10, 2006

For: Metal Nanoparticle Dispersion Usable For  
Ejection In The Form Of Fine Droplets To Be  
Applied In The Layered Shape

DECISION ON  
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 to review the restriction requirement set forth on August 10, 2009 and made final by the Examiner on March 24, 2009. It is noted that the application is a national stage application and lack of unity of invention rules control.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. See MPEP § 1850 for a detailed discussion of Unity of Invention. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. For example, a corresponding technical feature is exemplified by a key defined by certain claimed structural characteristics which correspond to the claimed features of a lock to be used with the claimed key. Note also the examples contained in Chapter 10 of the

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International Search and Preliminary Examination Guidelines which can be obtained from WIPO's web site ([www.wipo.int/pct/en/texts/gdlines.htm](http://www.wipo.int/pct/en/texts/gdlines.htm)).

The Examiner determined that Group II while including the limitations of Group I further required the inventive feature of a sintered product layer of nanoparticles not included in Group I.

## DECISION

The petition is Denied.

It is noted that applicant has requested rejoinder.

/JACQUELINE STONE/

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